IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 6907 of 2005(V)

CC.463/2005 of J.M.F.C.-I, KANNUR
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PETITIONERS:
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1. **THE KERALA STATE FINANCIAL ENTERPRISES LIMITED, "BHADRATHA", P.B.NO.510, MUSEUM ROAD, THRISSUR-680 020, REPRESENTED BY ITS MANAGING DIRECTOR.**

2. **MR.VINAYAN V., MANAGER, KERALA STATE FINANCIAL ENTERPRISES LTD., THALASSERY BRANCH, THALASSERY, KANNUR DISTRICT.**

BY ADV. SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

2. **THE SUB INSPECTOR OF POLICE, KANNUR TOWN POLICE STATION, KANNUR.**

BY PUBLIC PROSECUTOR SRI.SHYSON P.MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 6907/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE COMPLAINT FILED BY THE MANAGER , KANNUR BRANCH CMP. NO.1259/04 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KANNUR.

EXT.P2:- COPY OF THE CHARGE SHEET IN CCNO.463/05 DT. 24.4.04.

EXT.P3:- COPY OF THE LETTER DT. 9.11.04 NO.32980(006) TO THE DGP, THIRUVANANTHAPURAM FROM THE PETITIONER COMPANY.

/TRUE COPY/

P.A. TO JUDGE

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PIUS C. KURIAKOSE,J.

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W.P.(C) No.6907 of 2005

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Dated: 23rd July, 2007

JUDGMENT

Heard both sides.

2. A private complaint Ext.P1 submitted by the petitioner-K.S.F.E.Ltd. before the Judicial First Class Magistrate Court, Kannur was forwarded to the 2nd respondent for investigation under Section 156(3) of the Crl.P.C. Investigation was conducted and the 2nd respondent filed a final report arraying the 2nd petitioner who is the manager of the 1st petitioner-K.S.F.E.Ltd. as accused No.8. The 2nd petitioner is arrayed as an accused on the basis of a valuation report which the 2nd petitioner had submitted previously to the 1st petitioner. According to the investigating officer it is a higher value than the market value which was given by the 2nd petitioner in the valuation report and this betrays some complicity in the offence by the 2nd petitioner. The present Writ Petition is filed by the K.S.F.E.Ltd. and the 2nd petitioner jointly.

3. I have heard the Standing Counsel for the 1st petitioner-K.S.F.E.Ltd. through whom only the Writ Petition has been filed. Learned Standing Counsel submitted that the K.S.F.E.Ltd. is of the firm conviction that the 2nd petitioner is not at all guilty of the

offences alleged in Ext.P1 complaint. The K.S.F.E.Ltd. never wanted the 2nd petitioner to be arrayed as an accused. The learned counsel expressed the confidence that the de facto complainant-the 1st petitioner will be able to substantiate the allegations in Ext.P1 even without the 2nd petitioner being an accused in the case now charge sheeted by the 2nd respondent. Under these circumstances and having gone through the materials placed on record particularly Ext.P1 complaint and Ext.P3 complaint submitted by the K.S.F.E.Ltd. before the Director General of Police raising protest in the matter of implication of the 2nd petitioner also as a co-accused, I am of the view that the reliefs sought for by the petitioner in this case can be granted. Accordingly, I quash Ext.P2 charge sheet in C.C.No.463 of 2005 to the extent it is directed against the 8th accused therein (the second petitioner herein).

The Writ Petition is disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**